

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

HAROLD W. COLEMAN, #1166948

§

VS.

§

CIVIL ACTION NO. 6:07cv279

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed as successive. The Petitioner has filed a response, which has been docketed as objections (docket entry #12).

The Report and Recommendation of the Magistrate Judge, which contain his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. The objections lack merit, therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. The present petition is successive, and the Petitioner may file a second or successive petition only if he simultaneously submits documentation showing that the Fifth Circuit granted him permission to file it. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DISMISSED** without prejudice.

It is further

ORDERED that all motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 5th day of September, 2007.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE